Preparatory Committee for the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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SUMMARY RECORD OF THE 2nd MEETING (CLOSED)

Held at United Nations Headquarters, New York,
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Chairman: Mr. PATOKALLIO (Finland)

CONTENTS

EXCHANGE OF VIEWS

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The meeting was called to order at 3.30 p.m.

1. The CHAIRMAN announced that the Government of Bosnia and Herzegovina had become party to the Treaty on the Non-Proliferation of Nuclear Weapons by succession.

EXCHANGE OF VIEWS

2. Mr. ERRERA (France), speaking on behalf of the 15 countries of the European Union, said that the proliferation of weapons of mass destruction represented one of the most serious threats to peace and international security. The risk to humanity went beyond the divisions between North and South, between countries with nuclear capability and countries without, as had been recognized at the highest level by the Security Council in its statement of 31 January 1992.

3. The European Union was resolutely committed to the indefinite and unconditional extension of the Non-Proliferation Treaty (NPT) because it believed that a world without the NPT, or with a weakened NPT, would be dangerous for all, particularly for countries in regions where there was tension or crisis.

4. The end of the cold war had reawakened antagonisms which had long been dormant, and the conflicts of the nineties bore witness to the revival of regional ambitions. The risks such ambitions created for peace and international security were increased still further by the temptations of the proliferation of weapons of mass destruction. That explained the unprecedented reaction of the whole international community to the attempts by certain countries to go back on obligations freely entered into. The security of all was threatened by the violation of a standard as fundamental as the NPT. The continuing risks, earlier in Iraq and currently in the Democratic People's Republic of Korea and elsewhere, were simply unacceptable.

5. In 1990, there had been 142 parties to the Treaty; currently there were 170. That progress towards the goal of universality was proof of the understanding of the dangers brought about by the proliferation of weapons of mass destruction. Recently, Ukraine, Moldova, Turkmenistan and Algeria had deposited their instruments of accession, and it would be an affront to sovereign States to suggest that they had signed an agreement which ran counter to their interests.

6. The NPT was irreplaceable because it was the only instrument of international law with the aim of universal application in the field of nuclear non-proliferation. By persuading most countries to refrain from acquiring nuclear weapons, it forestalled their spread. In exchange, the five nuclear Powers and all States parties to the Treaty had undertaken to pursue negotiations in good faith for an end to the nuclear arms race and for nuclear disarmament, and on a general and complete disarmament treaty under strict and effective international control. The observance of the obligations which it imposed on the parties made possible the development of technical cooperation for peaceful uses of atomic energy, and the generalized safeguards agreements

signed by the States parties with the International Atomic Energy Agency (IAEA) made it possible to verify that every State was indeed fulfilling its obligations.

7. The NPT was the cornerstone of the international non-proliferation system and was almost universal. It would be a paradox if the NPT were the only legal instrument of such magnitude without permanent status.

8. Any formula which left the future of the Treaty uncertain would be tantamount to its disappearance and would deprive it of its credibility. Without the NPT, doubt would be sown as to the intentions of other countries and the very future of the international non-proliferation system. Suspicion fed on suspicion, and might give rise to proliferation. Non-proliferation rested on confidence, and confidence presupposed permanence.

9. The European Union had decided, in accordance with the conclusions of the Corfu Summit of June 1994, on a "joint action" to achieve that objective. It was worth stressing that the joint action was being carried out by a group of States which included both nuclear and non-nuclear countries and had been supported by the countries of Central and Eastern Europe. No better proof existed that the indefinite and unconditional extension of the Treaty was in the common interest. The most propitious moment for taking such a decision had come, since very substantial progress had been made possible by the end of the cold war in regard to disarmament and the strengthening of the international non-proliferation system.

10. The negotiations on strategic arms reduction (START), supplemented by unilateral measures, provided for the reduction of the nuclear arsenals of the United States and the Russian Federation, which would lead to the dismantling of a considerable number of warheads in the years to come. The entry into force of START I on the occasion of the Summit of the Conference on Security and Cooperation in Europe at Budapest opened up prospects for the continuation of nuclear disarmament. The two nuclear Powers which were members of the European Union, France and the United Kingdom, had also made significant efforts, which were all the more remarkable in that they related to arsenals in no way comparable to those mentioned earlier. The European Union was pleased by that trend, which was in keeping with article VI.

11. Negotiations for the conclusion of a treaty banning nuclear tests were ongoing in Geneva. For the first time since the appearance of nuclear weapons, the States with those weapons were clearly resolved to conclude a universal treaty which would contribute to the prevention of the proliferation of nuclear weapons and lead to disarmament. That resolve was shared by the whole international community. In the new stage of negotiations which was about to begin, the member States of the European Union were determined to continue to provide active support for those negotiations, which were the top priority for the Disarmament Conference.

12. The European Union favoured the opening of negotiations for the conclusion of a convention banning the manufacture of fissionable materials for explosive purposes. In order to contribute to combating proliferation, such a convention should also be universal and verifiable.

13. The European Union had proposed strengthening the IAEA safeguards system so that it could be verified with incontrovertible effectiveness that States were honouring their obligations. The European Union was of the opinion that States without nuclear weapons which were parties to the NPT had a right to benefit from such safeguards as would reinforce their sense of security. At the European Council meeting in Essen, the European Union had referred to its concern regarding illegal trafficking in nuclear material and adopted a series of measures to combat that new danger.

14. The process of disarmament and of strengthening the international non-proliferation system was well under way, and its continuation depended, of course, on the permanence of the NPT. If the NPT were undermined, the momentum would be lost. Developing countries, the vast majority of which honoured their non-proliferation commitments, would find their security endangered and would find access to the technology which was necessary for their development more difficult. The European Union was prepared to cooperate in that field in the context of effective and credible international controls. Accordingly, general application of the full inspection rule would encourage the transfer of technology and materials.

15. The NPT was a good treaty, and everything possible must be done to ensure its continuance since it was common property. It was to be hoped that the discussions in the Preparatory Committee, whether on procedural or on substantive questions, would follow that approach. The member States of the European Union were resolved to contribute actively to the process.

16. Mr. ERDÖS (Hungary) said that Hungary advocated the indefinite and unconditional extension of the NPT as well as global adherence to the Treaty. He agreed with the views expressed by the representative of France, and reiterated the urgent necessity to create proper conditions in every respect for the work of the Preparatory Committee and, most of all, for the Conference itself. It was of the utmost importance to ensure that considerations that had no direct relevance to the Treaty and its operations, and that could only hinder the work of the Committee and jeopardize the very existence of the non-proliferation regime, should be set aside. Nothing should interfere with the operation of the Committee and the Conference.

17. The NPT and the whole non-proliferation regime had been facing difficulties which originated from outside the regime as well as from within the ranks of States parties to the Treaty. His delegation, like those of the majority of the States parties, had started the preparatory process with a firm determination to do its utmost to create favourable conditions for a successful Conference. There was every reason to feel worried, since much still remained to be done in the little time left. Therefore, the Committee should spare no effort in order to contribute to the fulfilment of the tasks of the Preparatory Committee, and thus to the success of the 1995 Conference.

18. Mr. WESTDAL (Canada) said that much progress had been made in preparing for what might well be the most important multilateral arms control conference in history. He welcomed the moderation and pragmatic cooperation of most delegations. More of the same would be needed for the Committee to approve the rules of procedure, the agenda and the background documentation so as to provide

a firm foundation for constructive debate on the issues of substance with which the review and extension conference must contend.

19. In his delegation's view, the existing rules of procedure should be amended to the least possible extent and the Committee should aim for straightforward rules which accommodated the review process and conformed with the legal requirements of the extension decision, since amendments which went beyond those simple objectives were likely to be divisive.

20. Concerning item 15, his delegation endorsed the wording of the Chairman's draft, which it felt would facilitate the work of the Review Conference to strengthen the implementation of the Treaty.

21. In responding to the request for more documentation on article IV, IAEA and the United Nations Secretariat must not be required to exceed their mandates or competence. Since his delegation none the less understood the need for further background information, it would provide States party to the Treaty with a paper on Canadian bilateral nuclear cooperation, much as it had done at the 1990 Non-Proliferation Treaty Review Conference, and would urge other States involved in such activities to do likewise.

22. Since the Committee's meeting at Geneva, progress had been made in the defence and elaboration of the non-proliferation system. There were currently 170 States party to the NPT and the achievement of the goal of universal accession, which would add immeasurably to the collective and individual security of all countries, was imminent. With the accession of Belarus, Kazakhstan and Ukraine to the Treaty, concern about proliferation in their region had receded. Canada welcomed the accession of those countries as well as that of Algeria and Guyana, and looked forward to the accession of other States before the review and extension conference. The challenges to the non-proliferation system opposed by Iraq and the Democratic People's Republic of Korea had been contained. An African nuclear-weapon-free zone was imminent. IAEA had moved ahead with its "93 + 2 programme" to strengthen the effectiveness and improve the efficiency of the safeguards system sustained by the non-proliferation Treaty. Canada valued highly that initiative, which demonstrated the ability of the system of safeguards to adapt and to maintain confidence in the international nuclear non-proliferation regime.

23. The Conference on Disarmament had also been active in the negotiations concerning a comprehensive test-ban treaty, and Canada urged members of the Conference to redouble their efforts to achieve the earliest possible completion of a comprehensive, effectively verifiable legal instrument that would ban all testing for all time. Canada had long been an advocate of a cut-off convention, which was a central feature of its strategy. Canada's Ambassador to the Conference on Disarmament had been entrusted with the responsibility of identifying a negotiating mandate which would permit the establishment of an ad hoc committee. In an effort to overcome impediments to progress, Canada had hosted a workshop on the technical aspects of a cut-off convention, and it was to be hoped that members of the Conference on Disarmament would soon agree on a negotiating mandate.

24. Canada continued to expand its bilateral network for cooperation in the peaceful uses of nuclear energy. Cooperation agreements had been signed with 31 developing and developed countries, and such cooperation would not be possible without the NPT, which was an international, legally binding commitment to nuclear non-proliferation.

25. The Non-Proliferation Treaty served Canada's fundamental security and economic interests, as well as the interest that Canada shared with all States in international peace and security. In his delegation's view, the Treaty should be permanent because it prevented proliferation, bound weapon States to disarmament, enshrined norms of responsible behaviour, underpinned peaceful nuclear cooperation and encouraged nuclear-weapon-free zones. The NPT also served the economic and security interests of all its States parties regardless of their individual security circumstances. The Treaty created security and, with universal adherence, it would further and better serve the interests of all States parties.

26. His delegation did not think that the value of the Treaty would be contested in the deliberations of the Preparatory Committee, since to do so would undermine the security interests of the entire international community. Rather, the central issue would be the length of the extension. Canada was deeply convinced that the extension should be indefinite and that any other option would weaken the Treaty and put it at risk.

27. Proponents of limited extension should ponder over the repercussions of such an approach, since the last thing anyone should want to do, now or at any time, was to put article VI at risk. Indefinite extension would not entrench the possession of nuclear weapons by a small number of States but would, on the contrary, entrench their obligation to work towards the elimination of such weapons. Indeed, compromising the Treaty in which the disarmament provision was enshrined would be a strange and dangerous way to register concern about the extent to which it had been implemented or to press for more progress in disarmament.

28. Moreover, it should be borne in mind that the NPT made provision for peaceful nuclear cooperation and exchange. Certainly, in Canada's case, such cooperation was founded on assurances of peaceful, non-explosive use.

29. As far as nuclear proliferation was concerned, while the passing of the cold war might have brought an end to the East-West confrontation which threatened nuclear catastrophe, the threat of the further spread of nuclear weapons had not been eliminated. The Treaty must be strengthened, made universal, reinforced constantly through creative review and extended indefinitely so as to make it permanent. Canada would spare no effort towards those ends since a great deal was at stake for present and future generations.

30. Mr. SHA Zukang (China) said that his country had always stood for the complete prohibition and total destruction of nuclear weapons. In the new international situation, the probability of achieving that was increasing, which would ultimately rid mankind of the threat of nuclear war. For that reason, at the forty-ninth session of the General Assembly, his Government had proposed

that a convention on the prohibition of nuclear weapons should be elaborated in the same way as the conventions prohibiting biological and chemical weapons.

31. All nuclear-weapons States should undertake the commitment to destroy such weapons completely under effective international verification. China hoped that the United States of America and the Russian Federation would implement existing nuclear-disarmament treaties as scheduled and carry out further drastic cuts in their respective nuclear arsenals, thereby creating the necessary conditions for the commencement of multilateral nuclear disarmament negotiations with the participation of all nuclear-weapon States in order to conclude a convention on the complete prohibition and total destruction of nuclear weapons.

32. Secondly, the Chinese Government attached great importance to the negotiation process for a comprehensive test-ban treaty and fully appreciated the aspirations of the non-nuclear-weapon States in that regard. The treaty should be drawn up no later than 1996. Negotiations on the treaty were currently being held at the Conference on Disarmament, which had already drawn up a preliminary text that could be a basis for future work. His delegation was participating actively in those negotiations and to date had put forward some 14 working papers and numerous specific proposals. The Conference should intensify the negotiations and, at the same time, ensure that the future treaty banned all nuclear-weapon-test explosions that released nuclear energy at any time and in any place. Nevertheless, no international treaty should impede or restrict the advancement and peaceful use of science and technology and, therefore, nuclear explosions for peaceful purposes should not be banned. At the same time, there must be a strict, effective and fair international verification mechanism in order to ensure the effectiveness of the treaty.

33. Thirdly, China held that all non-nuclear-weapon States parties, particularly the developing countries, were entitled under the NPT to engage in international cooperation in the peaceful uses of nuclear energy and to acquire relevant technology and assistance for their national economic development. China, as a State party and particularly as a developing country with a considerable nuclear industrial capability, strictly abided by the relevant provisions of the NPT to ensure the exclusive use of nuclear energy for peaceful purposes and had engaged in cooperation with other developing countries in that field, which would increase as his country continued its economic reform and development. Furthermore, all countries with a nuclear industrial capability should actively promote international cooperation in the peaceful uses of nuclear energy for the socio-economic development of various countries, in particular the developing countries.

34. Fourthly, China stood for an unconditional commitment on the part of all nuclear-weapon States not to use or threaten to use nuclear weapons against any non-nuclear-weapon State or nuclear-weapon-free zone, and not to be the first to use nuclear weapons against another nuclear-weapon State. China took special note of the concern on the part of the non-aligned countries about the issue of security assurances and supported their call for the elaboration of a protocol on that subject. China had consistently maintained that the nuclear-weapon States should provide security assurances to the non-nuclear-weapon States in the form of legally binding international instruments in order to redress the inherent imbalance in the NPT. The non-nuclear-weapon States, which constituted

the great majority of States parties, had undertaken their international legal commitment by renouncing the option of acquiring or developing nuclear weapons when they had acceded to the Treaty. Moreover, they had put all their nuclear activities under international safeguards in accordance with the provisions of the Treaty.

35. His Government had formally proposed a year earlier that the five nuclear-weapon States should conclude a treaty - the draft of which it had submitted to them - under which they undertook not to be the first to use nuclear weapons against one another in any circumstances and to support the conclusion of another treaty obliging them unconditionally not to use or threaten to use nuclear weapons against any non-nuclear-weapon State or nuclear-weapon-free zone. China called upon the other nuclear-weapon States to accept its proposal in order to initiate the relevant negotiations without further delay.

36. Mr. MARIN-BOSCH (Mexico) shared the opinion expressed by several previous speakers about the need for a productive discussion leading to a decision on the future of the NPT that ensured that all parties continued to consider that its purposes were being served.

37. The parties to the NPT should review and, where necessary, revise the Treaty. Nevertheless, except for China, the nuclear-weapon States had called for its indefinite and unconditional extension. The European Union had stated that such a course was in the security interests of all States and feared that the Treaty would unravel if there was an attempt to amend it or set conditions for its extension.

38. However, it was a question not only of the NPT and its extension. The results of the 1995 Conference should serve to both strengthen the Treaty itself and build a more genuine, truly universal and non-discriminatory nuclear non-proliferation regime.

39. The question was whether the Treaty's indefinite and unconditional extension was in the interest of its parties, whether it would solve the problems of verifying compliance which the Iraqi case had revealed, whether it would resolve the current nebulous situation of the so-called "threshold" countries, whether the nuclear-weapon States would give adequate security assurances to non-nuclear-weapon States with regard to the use or threat of the use of nuclear weapons, whether there would be a halt to the production of fissile material for weapons purposes, whether the problem of existing military and civilian stockpiles would be solved, and whether the extension would bring about a complete test-ban treaty and ensure the adoption of measures to eliminate nuclear weapons. In short, the question arose as to whether an indefinite extension would further the vertical and horizontal non-proliferation of nuclear weapons.

40. The last question was linked to the moral and legal aspects of nuclear weapons, which the General Assembly had been considering for three decades. There was an annual resolution calling on the Conference on Disarmament to commence negotiations on a draft convention prohibiting the use of nuclear weapons under any circumstances. Moreover, in 1993 the World Health Organization had requested an advisory opinion from the International Court of

Justice on the legality of the use of such weapons. Lastly, at its previous session, the General Assembly had adopted a proposal requesting another opinion from the Court on the following question: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?". The nuclear-weapon States were not very happy with those requests, and the reason seemed to be the same that had led them to advocate the Treaty's indefinite and unconditional extension. That revealed their true intentions regarding the permanence of nuclear weapons.

41. While all nuclear-weapon States had begun to re-think the role of nuclear weapons in the post-cold-war era, the results were neither clear nor encouraging. For decades, NATO had refused to commit itself to the doctrine of "non-first-use" and the Russian Federation had now embraced that doctrine. As a result, China was the only nuclear-weapon State that still adhered to a non-first-use policy. When asked to give negative security assurances to non-nuclear-weapon States, the nuclear-weapon States could not agree. They were willing, for example, to give such guarantees to the parties to the Treaty of Tlatelolco, but seemed reluctant to grant them to all the States parties to the Non-Proliferation Treaty.

42. With regard to the ban on the production of fissile materials for weapons purposes, countries that had been producing enriched uranium and plutonium for military and civilian uses, as was the case with the United States of America and the Russian Federation, had unilaterally ceased production because they had too much of that material. They were asking for the cessation of all future production, but nothing was being said about existing stockpiles, including fissile material used for civilian reactors, which could also have military applications. Many countries wished to address that question, which had sparked an increasingly heated debate in both New York and Geneva.

43. On the eve of the 1995 Conference, a number of fundamental questions remained unanswered. Four of the five nuclear-weapon States and some of their allies had taken a clear position on the Treaty's indefinite and unconditional extension, but with regard to such matters as the pace of the negotiations on a complete test-ban treaty, peaceful nuclear explosions, the future of nuclear energy for civilian purposes and negative security assurances for non-nuclear-weapon States, the overall impression was that it was business as usual. Although the cold war was over and the nuclear competition between the Russian Federation and the United States showed signs of abating, the relationship of the nuclear-weapon States to their own nuclear weapons had not undergone the kind of change that one might have expected. They continued to rely on nuclear weapons and did not seem prepared to give them up in the foreseeable future. Quite to the contrary, they were looking for ways to freeze the Treaty's dichotomy between the nuclear haves and the nuclear have-nots, which did not bode well for the NPT or nuclear non-proliferation in general.

The meeting rose at 4.30 p.m.